

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04-12-10 has been entered.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s). No new matter should be entered:

Re claim 27: a first adhesive holding region which has first surface coarseness and is operable to hold the circuit board with a first tackiness which corresponds to the first surface coarseness; and a second adhesive holding region which has second surface coarseness different from the first surface coarseness and is operable to hold the circuit board with a second tackiness which corresponds to the second surface coarseness and is different from the first tackiness, said first and second adhesive holding regions being coplanar and capable of holding the circuit board in cooperation; wherein both a tackiness between the first adhesive holding region and the main body and a tackiness between the second adhesive holding region and the main body are larger than the first tackiness and the

second tackiness; wherein the first tackiness is less than the second tackiness.

To further clarify, in the remarks filed on 02-06-2004, applicant argues that the scope of claim 27 is not limited to an adhesive material: "There is no reference to an adhesive material in claim 27."

However, the drawings do not show the claim 27 features first and second adhesive holding region structure and properties that are not adhesive material.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The disclosure is objected to because of the following informalities:

At paragraph 13, Table 1, the meaning of the language "mirror face," "1 S" and "1.6 S" is unclear.

Claim 29 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

To further clarify, the first and second adhesive holding regions of claim 27 are inherently within one area (at least the one area inherently comprising the first and second adhesive holding regions) of the adhesive material.

Applicant is advised that should claim 44 be found allowable, claim 27 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in

wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

To further clarify, despite the slight difference in preambular wording between claim 27 and claim 44: "substrate holder for holding a circuit board" and "pallet for carrying a circuit board," respectively, claim 27 does not differ substantially from claim 44, as required by 37 CFR 1.75(b) because a pallet for carrying a circuit board is a substrate holder for holding a circuit board.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 40, 48 and 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is insufficient antecedent basis for the following claim language:

Re claims 40 and 48: the second adhesive region.

Re claim 46: the same adhesive material.

Re claim 51: a circuit board.

To further clarify, it is unclear if the antecedent basis for the claim 51 language "a circuit board" is the claim 45 language "a circuit board."

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to

enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 27-30, 32 and 40-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The undescribed subject matter is the following:

Re claim 27: a first adhesive holding region which has first surface coarseness and is operable to hold the circuit board with a first tackiness which corresponds to the first surface coarseness; and a second adhesive holding region which has second surface coarseness different from the first surface coarseness and is operable to hold the circuit board with a second tackiness which corresponds to the second surface coarseness and is different from the first tackiness, said first and second adhesive holding regions being coplanar and capable of holding the circuit board in cooperation; wherein both a tackiness between the first adhesive holding region and the main body and a tackiness between the second adhesive holding region and the main body are larger than the first tackiness and the second tackiness; wherein the first tackiness is less than the second tackiness.

To further clarify, in the remarks filed on 02-06-2004, applicant argues that the scope of claim 27 is not limited to an adhesive material: "There is no reference to an adhesive material in claim 27."

However, there is no original disclosure of the claim 27 first and second adhesive holding region structure and properties that are not adhesive material.

Claims 27-30, 32 and 40-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The undescribed subject matter is the following:

Re claim 27: a first adhesive holding region which has first surface coarseness and is operable to hold the circuit board with a first tackiness which corresponds to the first surface coarseness; and a second adhesive holding region which has second surface coarseness different from the first surface coarseness and is operable to hold the circuit board with a second tackiness which corresponds to the second surface coarseness and is different from the first tackiness, said first and second adhesive holding regions being coplanar and capable of holding the circuit board in cooperation; wherein both a tackiness between the first adhesive holding

region and the main body and a tackiness between the second adhesive holding region and the main body are larger than the first tackiness and the second tackiness; wherein the first tackiness is less than the second tackiness.

For the reasons elucidated in the 112 first paragraph rejection of claims 27-30, 32 and 40-43 supra, one skilled in the art would be unable to make and/or use the invention of claim 27 without an adhesive.

In the rejections infra, generally, reference labels and other claim element identifiers are recited only for the first recitation of identical claim elements.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly

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owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 27-30, 32, 40, 42-46 and 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kuhns (20040119593), Maloney (20020142156), Sher (6197397) and Nishikawa (JP7074497).

MPEP 2111.01 [R-5] Plain Meaning

I. THE WORDS OF A CLAIM MUST BE GIVEN THEIR "PLAIN MEANING" UNLESS **>SUCH MEANING IS INCONSISTENT WITH< THE SPECIFICATION

****> Although< claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination [emphasis added].** During examination, the claims must be interpreted as broadly as their terms reasonably allow. In re American Academy of Science Tech Center, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004) (The USPTO uses a different standard for construing claims than that used by district courts; during examination the USPTO must give claims their broadest reasonable interpretation >in light of the specification<.). This means that the words of the claim must be given their plain meaning unless **>the plain meaning is inconsistent with< the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (discussed below); Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004) (Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say. Thus, "heating the resulting batter-coated dough to a temperature in the range of about 400°F to 850°F" required heating the dough, rather than the air inside an oven, to the specified temperature.). **

>II. IT IS IMPROPER TO IMPORT CLAIM LIMITATIONS FROM THE SPECIFICATION

"Though understanding the claim language may be aided by explanations contained in the written description, it is important not to import into a claim limitations that are not part of the claim [emphasis added]. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the

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embodiment." *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004). See also *Liebel-Flarsheim Co. v. Medrad Inc.*, 358 F.3d 898, 906, 69 USPQ2d 1801, 1807 (Fed. Cir. 2004) (discussing recent cases wherein the court expressly rejected the contention that if a patent describes only a single embodiment, the claims of the patent must be construed as being limited to that embodiment); *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) ("Interpretation of descriptive statements in a patent's written description is a difficult task, as an inherent tension exists as to whether a statement is a clear lexicographic definition or a description of a preferred embodiment. The problem is to interpret claims in view of the specification' without unnecessarily importing limitations from the specification into the claims."); *Altiris Inc. v. Symantec Corp.*, 318 F.3d 1363, 1371, 65 USPQ2d 1865, 1869-70 (Fed. Cir. 2003) (Although the specification discussed only a single embodiment, the court held that it was improper to read a specific order of steps into method claims where, as a matter of logic or grammar, the language of the method claims did not impose a specific order on the performance of the method steps, and the specification did not directly or implicitly require a particular order). See also paragraph *>IV.<, below. **>When< an element is claimed using language falling under the scope of 35 U.S.C. 112, 6th paragraph (often broadly referred to as means or step plus function language)**, the specification must be consulted to determine the structure, material, or acts corresponding to the function recited in the claim. In *re Donaldson*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994) (see MPEP § 2181- § 2186). In *re Zletz*, supra, the examiner and the Board had interpreted claims reading "normally solid polypropylene" and "normally solid polypropylene having a crystalline polypropylene content" as being limited to "normally solid linear high homopolymers of propylene which have a crystalline polypropylene content." The court ruled that limitations, not present in the claims, were improperly imported from the specification. See also *In re Marosi*, 710 F.2d 799, 218 USPQ 289 (Fed. Cir. 1983) ("Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their broadest reasonable interpretation'." 710 F.2d at 802, 218 USPQ at 292 (quoting *In re Okuzawa*, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976)) (emphasis in original). The court looked to the specification to construe "essentially free of alkali metal" as including unavoidable levels of impurities but no more.). Compare *In re Weiss*, 989 F.2d 1202, 26 USPQ2d 1885 (Fed. Cir. 1993) (unpublished decision - cannot be cited as precedent) (The claim related to an athletic shoe with cleats that "break away at a preselected level of force" and thus prevent injury to the wearer. The examiner rejected the claims over prior art teaching athletic shoes with cleats not intended to break off and rationalized that the cleats would break away given a high enough force. The court reversed the rejection stating that when interpreting a claim term which is ambiguous, such as "a preselected level of force", we must look to the specification for the meaning ascribed to that term by the inventor." The specification had defined "preselected level of force" as that level of force at which the breaking away will prevent injury to the wearer during athletic exertion.**)

*>III. < "PLAIN MEANING" REFERS TO THE ORDINARY AND CUSTOMARY MEANING GIVEN TO THE TERM BY THOSE OF ORDINARY SKILL IN THE ART

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"[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." Phillips v. AWH Corp., *415 F.3d 1303, 1313<, 75 USPQ2d 1321>, 1326< (Fed. Cir. 2005) (en banc). Sunrace Roots Enter. Co. v. SRAM Corp., 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003); Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc., 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003)("In the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art."). It is the use of the words in the context of the written description and customarily by those skilled in the relevant art that accurately reflects both the "ordinary" and the "customary" meaning of the terms in the claims. Ferguson Beauregard /Logic Controls v. Mega Systems, 350 F.3d 1327, 1338, 69 USPQ2d 1001, 1009 (Fed. Cir. 2003) (Dictionary definitions were used to determine the ordinary and customary meaning of the words "normal" and "predetermine" to those skilled in the art. In construing claim terms, the general meanings gleaned from reference sources, such as dictionaries, must always be compared against the use of the terms in context, and the intrinsic record must always be consulted to identify which of the different possible dictionary meanings is most consistent with the use of the words by the inventor.); ACTV, Inc. v. The Walt Disney Company, 346 F.3d 1082, 1092, 68 USPQ2d 1516, 1524 (Fed. Cir. 2003) (Since there was no >express< definition given for the term "URL" in the specification, the term should be given its broadest reasonable interpretation >consistent with the intrinsic record< and take on the ordinary and customary meaning attributed to it by those of ordinary skill in the art; thus, the term "URL" was held to encompass both relative and absolute URLs.); and E-Pass Technologies, Inc. v. 3Com Corporation, 343 F.3d 1364, 1368, 67 USPQ2d 1947, 1949 (Fed. Cir. 2003) (Where no explicit definition for the term "electronic multi-function card" was given in the specification, this term should be given its ordinary meaning and broadest reasonable interpretation; the term should not be limited to the industry standard definition of credit card where there is no suggestion that this definition applies to the electronic multi-function card as claimed, and should not be limited to preferred embodiments in the specification.). The ordinary and customary meaning of a term may be evidenced by a variety of sources, >including "the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art."< Phillips v. AWH Corp., *415 F.3d at 1314<, 75 USPQ2d **>at 1327.< If extrinsic reference sources, such as dictionaries, evidence more than one definition for the term, the intrinsic record must be consulted to identify which of the different possible definitions is most consistent with applicant's use of the terms. Brookhill-Wilk 1, 334 F. 3d at 1300, 67 USPQ2d at 1137; see also Renishaw PLC v. Marposs Societa ' per Azioni, 158 F.3d 1243, 1250, 48 USPQ2d 1117, 1122 (Fed. Cir. 1998) ("Where there are several common meanings for a claim term, the patent disclosure serves to point away from the improper meanings and toward the proper meanings.") and Vitronics Corp. v. Conceptronc Inc., 90 F.3d 1576, 1583, 39 USPQ2d 1573, 1577 (Fed. Cir. 1996) (construing the term "solder reflow temperature" to mean "peak reflow temperature" of solder rather than the "liquidus temperature" of solder in order to remain consistent with the specification.). If more than one extrinsic definition is consistent with the use of the words in the intrinsic record, the claim terms may be construed to encompass all

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consistent meanings. ** See *e.g., < Rexnord Corp. v. Laitram Corp., 274 F.3d 1336, 1342, 60 USPQ2d 1851, 1854 (Fed. Cir. 2001)(explaining the court's analytical process for determining the meaning of disputed claim terms); Toro Co. v. White Consol. Indus., Inc., 199 F.3d 1295, 1299, 53 USPQ2d 1065, 1067 (Fed. Cir. 1999)("[W]ords in patent claims are given their ordinary meaning in the usage of the field of the invention, unless the text of the patent makes clear that a word was used with a special meaning."). Compare MSM Investments Co. v. Carolwood Corp., 259 F.3d 1335, 1339-40, 59 USPQ2d 1856, 1859-60 (Fed. Cir. 2001) (Claims directed to a method of feeding an animal a beneficial amount of methylsulfonylmethane (MSM) to enhance the animal's diet were held anticipated by prior oral administration of MSM to human patients to relieve pain. Although the ordinary meaning of "feeding" is limited to provision of food or nourishment, the broad definition of "food" in the written description warranted finding that the claimed method encompasses the use of MSM for both nutritional and pharmacological purposes.); and Rapoport v. Dement, 254 F.3d 1053, 1059-60, 59 USPQ2d 1215, 1219-20 (Fed. Cir. 2001) (Both intrinsic evidence and the plain meaning of the term "method for treatment of sleep apneas" supported construction of the term as being limited to treatment of the underlying sleep apnea disorder itself, and not encompassing treatment of anxiety and other secondary symptoms related to sleep apnea.).

It is noted that, in the examination of the claims herein, the meaning of the term "tackiness" is limited to applicant's explicit definition of the term "tackiness" disclosed at paragraph 10:

As used herein, a "tackiness" is a value corresponding to a force which is required to peel off an object which has adhered to the adhesive holding layer under certain conditions, and thus serves as a measure of adhesion.

At paragraphs 28-33, 40-45, 52, 56 and 65, Kuhns discloses the following:

Re claim 27: A substrate holder for holding a circuit board, comprising: a main body "liner"; and a holding surface formed on the main body for allowing a circuit board 10 to adhere to the holding surface, wherein the holding surface includes: a first adhesive 19a holding region which has inherent first surface coarseness and is operable to hold the circuit board

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with a first tackiness ("permanently tacky" and "adhesive strength") which inherently corresponds to the first surface coarseness; and a second adhesive holding region 19b which has inherent second surface coarseness and is operable to hold the circuit board with a second tackiness which inherently corresponds to the second surface coarseness and is different from the first tackiness:

For example, the first portion 19a of the adhesive layer 19 may include a first adhesive strength, and the second portion 19b of the adhesive layer 19 may include a second adhesive strength. The adhesive strengths are the strength of the bond between the layer of adhesive 19 and the surface it is adhered to. Preferably, the second adhesive strength is greater than the first adhesive strength, as explained below in reference to FIGS. 4a-4b. ... [T]he sticker 20 may include any number of different portions of adhesives with differing or similar adhesive strengths ...

said first and second adhesive holding regions being coplanar and capable of holding the circuit board in cooperation; wherein the first adhesive holding region and the second adhesive holding region are arranged parallel to the surface of said main body; a tackiness between the first adhesive holding region and the main body and a tackiness between the second adhesive holding region and the main body "liner affixed to the adhesive layer"; wherein the second adhesive holding region is partially surrounded by the first adhesive holding region; wherein the first tackiness is less than the second tackiness:

Preferably, the second adhesive strength is greater than the first adhesive strength, as explained below in reference to FIGS. 4a-4b.

wherein the first adhesive holding region overlaps a circumference portion of the circuit board and the second adhesive holding region overlaps a central portion of the circuit board.

Re claim 28: The substrate holder of claim 27, and further comprising an adhesive material 19 provided on said main body, said first adhesive holding region and said second adhesive holding region being on a surface of said adhesive material.

Re claim 29: The substrate holder of claim 28, wherein the first adhesive holding region and the second adhesive holding region are within one area of the adhesive material on said main body.

Re claim 44: A pallet for carrying a circuit board comprising: a main body "liner"; and a holding surface formed on the main body for allowing a circuit board 10 to adhere to the holding surface, wherein the holding surface includes: a first adhesive 19a holding region which has inherent first surface coarseness and is operable to hold the circuit board with a first tackiness ("permanently tacky" and "adhesive strength") which inherently corresponds to the first surface coarseness; and a second adhesive holding region 19b which has inherent second surface coarseness and is operable to hold the circuit board with a second tackiness which inherently corresponds to the second surface coarseness and is different from the first tackiness, said first and second adhesive holding regions being coplanar and capable of

holding the circuit board in cooperation; wherein the first adhesive holding region and the second adhesive holding region are arranged parallel to the surface of said main body; a tackiness between the first adhesive holding region and the main body and a tackiness between the second adhesive holding region and the main body "liner affixed to the adhesive layer"; wherein the second adhesive holding region is partially surrounded by the first adhesive holding region; wherein the first tackiness is less than the second tackiness; and wherein the first adhesive holding region overlaps a circumference portion of the circuit board and the second adhesive holding region overlaps a central portion of the circuit board.

Re claim 45: A substrate holder for holding a circuit board, comprising: a main body; and an adhesive holding layer on the main body having a holding surface for allowing a circuit board to adhere to the adhesive holding layer, wherein the holding surface includes: a first adhesive holding region which has first surface coarseness and is operable to hold the circuit board with a first tackiness which corresponds to the first surface coarseness; and a second adhesive holding region which has second surface coarseness and is operable to hold the circuit board with a second tackiness which corresponds to the second surface coarseness and is different from the first tackiness, said first and second adhesive holding regions being coplanar and capable of holding the circuit board in cooperation; wherein the first

adhesive holding region and the second adhesive holding region are arranged parallel to the surface of said main body; wherein the second adhesive holding region is partially surrounded by the first adhesive holding region wherein the first tackiness is less than the second tackiness; and wherein the first adhesive holding region overlaps a circumference portion of the circuit board and the second adhesive holding region overlaps a central portion of the circuit board.

Re claim 51: The substrate holder of claim 45, wherein the adhesive holding layer is formed on the main body so that the adhesive holding layer is capable of being used so that it remains on the main body upon separation of a circuit board from the holding surface.

The following is further clarified:

Re claims 27, 44 and 45: a first adhesive 19a which has inherent first surface coarseness with a first tackiness which inherently corresponds to the first surface coarseness; and a second adhesive 19b which has inherent second surface coarseness with a second tackiness which inherently corresponds to the second surface coarseness.

Specifically, surface texture is an inherent property of adhesives 19a and 19b.

In addition, adhesives 19a and 19b have inherent surface coarseness because applicant discloses that the property "surface coarseness" is

substantially synonymous with the property of surface texture. For example, at paragraph 13, Table 1, "surface coarseness" is defined as apparent surface textures: "mirror face," "1 S" and "1.6 S."

In addition, as admitted by applicant, e.g., paragraph 12, "tackiness increases with reduced surface coarseness," therefore, the first tackiness inherently corresponds to the first surface coarseness and the second tackiness inherently corresponds to the second surface coarseness.

The following is further clarified:

Re claim 51: the adhesive holding layer is capable of being used so that the adhesive holding layer remains on the main body upon separation of a circuit board from the holding surface.

In particular, the following is a statement of intended use:

Re claim 51: so that the adhesive holding layer remains on the main body upon separation of a circuit board from the holding surface

Moreover, the statement of intended use does not appear to result in a structural difference between the claimed structure and the structure of Kuhns.

Further, because the structure of Kuhns appears to have the same structure as the claimed structure, it appears to be capable of being used for the intended use, and the statement of intended use does not patentably distinguish the claimed structure from the structure of Kuhns.

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Apparatus claims cover what a device is, not what a device does [or is intended to do]. (Hewlett-Packard Co. v. Bausch & Lomb Inc., 15 USPQ2d 1525, 1528 (Fed. Cir. 1990))

In re Otto, 312 F.2d 937, 938, 136 USPQ 458, 459 (CCPA 1963) (Court held that the purpose or intended use of hair curling was of no significance to the process/structure of making) (MPEP 2111.02 II)

[T]he manner or method in which a machine is to be utilized is normally not germane to the issue of patentability especially where, as here, appellant's structure, even in view of the claim language, differs in no way from the structure of Gustavsson. (Ex parte Wikdahl 10 USPQ 2d 1546, 1548 (BPAI 1989))

A patent applicant is free to recite features of an apparatus either structurally or functionally. See In re Swinehart , 439 F.2d 210, 212, 169 USPQ 226, 228 (CCPA 1971) (" [T]here is nothing intrinsically wrong with [defining something by what it does rather than what it is] in drafting patent claims."). Yet, choosing to define an element functionally, i.e. , by what it does, carries with it a risk. As our predecessor court stated in Swinehart , 439 F.2d at 213, 169 USPQ at 228: where the Patent Office has reason to believe that a functional limitation asserted to be critical for establishing novelty in the claimed subject matter may, in fact, be an inherent characteristic of the prior art, it possesses the authority to require the applicant to prove that the subject matter shown to be in the prior art does not possess the characteristic relied on. See also In re Hallman , 655 F.2d 212, 215, 210 USPQ 609, 611 (CCPA 1981); In re Ludtke , 441 F.2d 660, 663-64, 169 USPQ 563, 565-67 (CCPA 1971). (In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997))

However, Kuhns does not appear to explicitly disclose the following:

Re claims 27 and 44: wherein both the tackiness between the first adhesive holding region and the main body and the tackiness between the second adhesive holding region and the main body are larger than the first tackiness and the second tackiness.

Nonetheless, it would have been obvious to provide this/these relative tackiness size dimensional limitation(s) because it has been held that mere size dimensional limitations, including "the mere change of the relative size

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of the co-acting members of a known combination," are prima facie obvious absent a disclosure, as here, that the limitations are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical:

[A]ppellant does not contend that the combination of a magnetic fastener and an instrument having a magnetic head such as a tack and a magnetic hammer is new but that his particular combination is patentable because his magnetic tool is of substantially the same dimensions as the disk. ... It is well established that the mere change of the relative size of the co-acting members of a known combination will not endow an otherwise unpatentable combination with patentability. *Electric Cable Joint Co. v. Brooklyn Edison Co., Inc.*, 292 U.S. 69, 78 L.Ed. 1131, 54 S.Ct. 586, 21 USPQ 1 ; In re *Irmscher*, 36 CCPA 767, 171 F.2d 303, 80 USPQ 136 ; In re *Bennett*, 17 CCPA 1113, 40 F.2d 755, 5 USPQ 173. (In re *TROIEL*, 124 USPQ 502 (C.C.P.A. 1960))

We do not feel that this limitation is patentably significant since it at most relates to the size of the article under consideration which is not ordinarily a matter of invention. In re *Yount*, 36 C.C.P.A. (Patents) 775, 171 F.2d 317, 80 USPQ 141. (In re *Rose*, 220 F.2d 459, 105 USPQ 237 (CCPA 1955))

See also In re *Kirke*, 17 C.C.P.A. (Patents) 1121, 40 F.2d 765, 5 USPQ 539; In re *Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976); *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984); In re *Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Also, as cited, Kuhns discloses that the tackiness between the first adhesive holding region and the main body "liner affixed to the adhesive layer" and the tackiness between the second adhesive holding region and the main body "liner affixed to the adhesive layer" and the first tackiness ("permanently tacky" and "adhesive strength") and second tackiness "the

sticker 20 may include any number of different portions of adhesives with differing or similar adhesive strengths” is a/result effective variable(s).

Therefore, it would have been obvious to try variations of this/these result effective variable(s), including the claimed variation(s) because:

[T]he court erred in concluding that a patent claim cannot be proved obvious merely by showing that the combination of elements was obvious to try. ... The same constricted analysis led the Court of Appeals to conclude, in error, that a patent claim cannot be proved obvious merely by showing that the combination of elements was ‘obvious to try.’ ... [A] person of ordinary skill in the art has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. ... [T]he fact that a combination was obvious to try might show that it was obvious under §103. (KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007))

See also Pfizer Inc. v. Apotex Inc., 82 USPQ2d 1852 (Fed. Cir. 2007); In re Kubin, 90 USPQ2d 1417 (Fed. Cir. 2009); In re Aller, Lacey, and Hall, 105 USPQ 233 (C.C.P.A. 1955).

Applying the same legal precedent, it also would have been obvious to try this/these particular claimed tackiness dimension(s) because a change in tackiness dimension would have been a known option within the technical grasp of a person of ordinary skill in the art.

Moreover, as reasoned from well established legal precedent, it would have been an obvious matter of design choice bounded by well known manufacturing constraints and ascertainable by routine experimentation and optimization to choose the particular claimed tackiness limitation(s) because

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applicant has not disclosed that, in view of the applied prior art, the limitation(s) is/are for a particular unobvious purpose, produce(s) an unexpected result, or is/are otherwise critical. For that matter, applicant has not disclosed that the particular limitation(s) is/are for **any** purpose or produce(s) **any** result. Indeed, it has been held that optimization of parameters and range limitations is prima facie obvious absent a disclosure that the limitations are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical:

Generally, differences in concentration or temperature will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such concentration or temperature is critical. "[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." (See MPEP 2144.05(II))

Also see *In re Aller*, 220 F.2d 454, 105 USPQ 233, 235 (CCPA 1955); *In re Hoeschele*, 406 F.2d 1403, 160 USPQ 809 (CCPA 1969), *Merck & Co. Inc. v. Biocraft Laboratories Inc.*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989), and *In re Kulling*, 897 F.2d 1147, 14 USPQ2d 1056 (Fed. Cir. 1990).

Applicant can rebut a prima facie case of obviousness based on overlapping ranges by showing the criticality of the claimed range. "The law is replete with cases in which the difference between the claimed invention and the prior art is some range or other variable within the claims. . . . In such a situation, the applicant must show that the particular range is critical, generally by showing that the claimed range achieves unexpected results relative to the prior art range." *In re Woodruff*, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990). (MPEP 2144.05(III))

See MPEP § 716.02 - § 716.02(g) for a discussion of criticality and unexpected results.

Still further, it would have been obvious to try wherein both the tackiness between the first adhesive holding region and the main body and the tackiness between the second adhesive holding region and the main body are larger than the first tackiness and the second tackiness because a person of ordinary skill would be motivated to solve the problem of providing the tackiness and there are a finite number of readily identified, predictable solutions; namely, providing each of the relative tackinesses to be smaller, equal to or larger; and:

[T]he court erred in concluding that a patent claim cannot be proved obvious merely by showing that the combination of elements was obvious to try. ... The same constricted analysis led the Court of Appeals to conclude, in error, that a patent claim cannot be proved obvious merely by showing that the combination of elements was "obvious to try." ... When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, person of ordinary skill in the art has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. ... [T]he fact that a combination was obvious to try might show that it was obvious under §103. (KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007))

See also, Pfizer Inc. v. Apotex Inc., 82 USPQ2d 1852 (Fed. Cir. 2007) and In re Kubin, 90 USPQ2d 1417 (Fed. Cir. 2009).

Similarly, the genus of the relative tackinesses would inherently anticipate the species wherein both the tackiness between the first adhesive holding region and the main body and the tackiness between the second

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adhesive holding region and the main body are larger than the first tackiness and the second tackiness because the genus contains a relatively small number of species, and one skilled in the art would at once envisage each species of the genus:

[I]t has been held that a prior art genus containing only 20 compounds and a limited number of variations in the generic chemical formula inherently anticipated a claimed species within the genus because "one skilled in [the] art would... [at once] envisage each member" of the genus. In re Petering, 301 F.2d 676, 681, 133 USPQ 275, 280 (CCPA 1962) (emphasis in original). (MPEP 2144.08II4(a))

However, Kuhns does not appear to explicitly disclose the following:

Re claim 30: wherein the first adhesive holding region and the second adhesive holding region are composed of the same adhesive material.

Re claim 32: wherein the first adhesive holding region and the second adhesive holding region are composed of the same adhesive material.

Re claim 46: wherein the first adhesive holding region and the second adhesive holding region are composed of the same adhesive material.

Regardless, it would have been obvious to try a same adhesive material because a person of ordinary skill would be motivated to solve the problem of providing adhesive material and there are a finite number (2) of readily identified, predictable solutions; namely, a same and a different adhesive material; and:

[T]he court erred in concluding that a patent claim cannot be proved obvious merely by showing that the combination of elements was obvious to try. ... The same constricted analysis led the Court of Appeals to conclude, in error,

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that a patent claim cannot be proved obvious merely by showing that the combination of elements was "obvious to try." ... When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, person of ordinary skill in the art has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. ... [T]he fact that a combination was obvious to try might show that it was obvious under §103. (KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007))

See also, Pfizer Inc. v. Apotex Inc., 82 USPQ2d 1852 (Fed. Cir. 2007) and In re Kubin, 90 USPQ2d 1417 (Fed. Cir. 2009).

Similarly, the genus of adhesive materials would inherently anticipate the species of a same adhesive material because the genus contains only two species; namely, the species of a same and a different adhesive material, and one skilled in the art would at once envisage each species of the genus:

[I]t has been held that a prior art genus containing only 20 compounds and a limited number of variations in the generic chemical formula inherently anticipated a claimed species within the genus because "one skilled in [the] art would... [at once] envisage each member" of the genus. In re Petering, 301 F.2d 676, 681, 133 USPQ 275, 280 (CCPA 1962) (emphasis in original). (MPEP 2144.08II4(a))

However, Kuhns does not appear to explicitly disclose the following:

Re claims 27, 44 and 45: the first adhesive 19a has first surface coarseness with a first tackiness which corresponds to the first surface coarseness; and the second adhesive 19b has second surface coarseness different from the first surface coarseness with a second tackiness which

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corresponds to the second surface coarseness; the second adhesive holding region is surrounded by the first adhesive holding region.

Re claims 42 and 49: the holding surface comprises a plurality of sets of the first adhesive holding region and the second adhesive holding region.

Still, at paragraphs 2, 3, 7, 15-23, 25, 28-31, 34, 37, 45, 48, 49, 57; and claims 1-4, Maloney discloses the following:

Re claims 27, 44 and 45: a first adhesive 13 which has first surface coarseness "first pattern" "discontinuous pattern" with a first inherent tackiness which inherently corresponds to the first surface coarseness; and a second adhesive 14 which has second surface coarseness "second pattern" "continuous pattern" different from the first surface coarseness with a second inherent tackiness which inherently corresponds to the second surface coarseness:

Since each of the constructions 1 has a first (perimeter) adhesive field 13 in accord with the preferred description for adhesive construction 1 stripping of the individual constructions 1 from roll construction 30 in a high speed application process is facilitated. This is in part because the low coverage of adhesive in first (perimeter) field 13 helps the lead edge 10d of each adhesive construction 1 to be started to separate from the continuous strip 31 of release liner.

the second adhesive holding region is surrounded by the first adhesive holding region.

Re claims 42 and 49: the holding surface comprises a plurality of sets (illustrated in FIG. 2) of the first adhesive holding region and the second adhesive holding region.

Moreover, it would have been obvious to combine this disclosure of Maloney with the disclosure of Kuhns because it would facilitate provision of the first and second adhesive holding regions and release of the release liner of Kuhns in a high speed process.

Also, as applied *supra*, in the combination of Kuhns and Maloney, Maloney discloses the following:

Re claim 30: The substrate holder of claim 29, wherein the first adhesive holding region and the second adhesive holding region have inherently different surface undulation characteristics.

Re claim 32: The substrate holder of claim 28, wherein the first adhesive holding region and the second adhesive holding region have inherently different surface undulation characteristics.

Re claim 46: The substrate holder of claim 27, wherein the first adhesive holding region and the second adhesive holding region have inherently different surface undulation characteristics.

To further clarify, these limitations are an inherent property of the "first pattern" and "second pattern" of Kuhns and Maloney.

However, Kuhns and Maloney do not appear to explicitly disclose the following:

Re claims 27 and 44: wherein both the tackiness between the first adhesive holding region and the main body and the tackiness between the

second adhesive holding region and the main body are larger than the first tackiness and the second tackiness.

Re claim 30: The substrate holder of claim 29, wherein the first adhesive holding region and the second adhesive holding region are composed of the same adhesive material.

Re claim 32: The substrate holder of claim 28, wherein the first adhesive holding region and the second adhesive holding region are composed of the same adhesive material.

Re claim 40: The substrate holder of claim 27, wherein an air outlet is provided in the second adhesive region.

Re claim 43: The substrate holder of claim 28, wherein the adhesive material comprises silicone rubber, polyurethane rubber or fluorine rubber.

Re claim 46: The substrate holder of claim 27, wherein the first adhesive holding region and the second adhesive holding region are composed of the same adhesive material.

Re claim 48: The substrate holder of claim 27, wherein an air outlet is provided in the second adhesive region.

Re claim 50: The substrate holder of claim 45, wherein the adhesive material comprises silicone rubber, polyurethane rubber or fluorine rubber.

Nonetheless, in the abstract and column 3, lines 33-40; column 3, line 47 to column 4, line 3; column 5, lines 4-12 and 26-32; and column 5, line

54 to column 9, line 64, Sher discloses a second surface coarseness and undulation characteristics "topography" different from a first surface coarseness and undulation characteristics, a second tackiness which corresponds to the second surface coarseness "the topography of the adhesive surface controls the performance of the adhesion interface" and is different from a first tackiness, wherein both the tackiness between a first adhesive 30 holding region "relative interior" and the main body and the tackiness between a second adhesive holding region "relative perimeter" and the main body "interfaces" are different than the first tackiness and the second tackiness:

[B]oth major surfaces of adhesive layer 30 can be microreplicated using the same or different liner(s) 20 to provide the same or different adhesive performance properties at the two different adhesive interfaces during use.

wherein a first adhesive holding region and a second adhesive holding region are composed of the same adhesive material "same or different adhesives having same or different topographies"; wherein an air outlet "microchannels" is provided in the second adhesive region; wherein the adhesive material comprises silicone rubber, polyurethane rubber or fluorine rubber (Wilson (5362516), column 9, lines 21-37, incorporated by reference at column 8, lines 22-35).

Moreover, it would have been obvious to combine this disclosure of Sher with the disclosure of Kuhns because it would facilitate provision of the

adhesive materials, the first and second tackiness, and the tackiness between the first adhesive holding regions and the main body of Kuhns, and, as disclosed by Sher as cited, it would improve adhesive properties.

Although the combination of Kuhns, Maloney and Sher does not appear to explicitly disclose the tackiness between the adhesive regions and the main body is larger than the first and second tackiness, it would have been obvious to provide this particular relative tackiness because it would facilitate positioning and repositioning of the circuit board on the main body.

In any case, it would have been obvious to provide this/these relative tackiness size dimensional limitation(s) in the combination of Kuhns, and Sher because it has been held that mere size dimensional limitations, including "the mere change of the relative size of the co-acting members of a known combination," are prima facie obvious absent a disclosure, as here, that the limitations are for a particular unobvious purpose, produce an unexpected result, or are otherwise critical:

[A]ppellant does not contend that the combination of a magnetic fastener and an instrument having a magnetic head such as a tack and a magnetic hammer is new but that his particular combination is patentable because his magnetic tool is of substantially the same dimensions as the disk. ... It is well established that the mere change of the relative size of the co-acting members of a known combination will not endow an otherwise unpatentable combination with patentability. *Electric Cable Joint Co. v. Brooklyn Edison Co., Inc.*, 292 U.S. 69, 78 L.Ed. 1131, 54 S.Ct. 586, 21 USPQ 1 ; *In re Irmischer*, 36 CCPA 767, 171 F.2d 303, 80 USPQ 136 ; *In re Bennett*, 17 CCPA 1113, 40 F.2d 755, 5 USPQ 173. (*In re TROIEL*, 124 USPQ 502 (C.C.P.A. 1960))

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We do not feel that this limitation is patentably significant since it at most relates to the size of the article under consideration which is not ordinarily a matter of invention. In re Yount, 36 C.C.P.A. (Patents) 775, 171 F.2d 317, 80 USPQ 141. (In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955))

See also In re Kirke, 17 C.C.P.A. (Patents) 1121, 40 F.2d 765, 5 USPQ 539; In re Rinehart, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976); Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984); In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Also, as cited, the combination of Kuhns and Sher discloses that the tackiness between the first adhesive holding region and the main body and the tackiness between the second adhesive holding region and the main body and the first tackiness and second tackiness is a/result effective variable(s).

Therefore, it would have been obvious to try variations of this/these result effective variable(s), including the claimed variation(s) because:

[T]he court erred in concluding that a patent claim cannot be proved obvious merely by showing that the combination of elements was obvious to try. ... The same constricted analysis led the Court of Appeals to conclude, in error, that a patent claim cannot be proved obvious merely by showing that the combination of elements was 'obvious to try.' ... [A] person of ordinary skill in the art has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. ... [T]he fact that a combination was obvious to try might show that it was obvious under §103. (KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007))

See also Pfizer Inc. v. Apotex Inc., 82 USPQ2d 1852 (Fed. Cir. 2007); In re Kubin, 90 USPQ2d 1417 (Fed. Cir. 2009); In re Aller, Lacey, and Hall, 105 USPQ 233 (C.C.P.A. 1955).

Applying the same legal precedent, it also would have been obvious to try this/these particular claimed tackiness dimension(s) because a change in dimension would have been a known option within the technical grasp of a person of ordinary skill in the art.

Still further, it would have been obvious to try wherein both the tackiness between the first adhesive holding region and the main body and the tackiness between the second adhesive holding region and the main body are larger than the first tackiness and the second tackiness because a person of ordinary skill would be motivated to solve the problem of providing the tackiness of the combination of Kuhns and Sher and there are a finite number of readily identified, predictable solutions; namely, providing each of the relative tackinesses to be smaller, equal to or larger; and:

[T]he court erred in concluding that a patent claim cannot be proved obvious merely by showing that the combination of elements was obvious to try. ... The same constricted analysis led the Court of Appeals to conclude, in error, that a patent claim cannot be proved obvious merely by showing that the combination of elements was "obvious to try." ... When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, person of ordinary skill in the art has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. ... [T]he fact that a combination was obvious to try might show that it was obvious under §103. (KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007))

See also, *Pfizer Inc. v. Apotex Inc.*, 82 USPQ2d 1852 (Fed. Cir. 2007) and *In re Kubin*, 90 USPQ2d 1417 (Fed. Cir. 2009).

Similarly, the genus of the relative tackinesses would inherently anticipate the species wherein both the tackiness between the first adhesive holding region and the main body and the tackiness between the second adhesive holding region and the main body are larger than the first tackiness and the second tackiness because the genus contains a relatively small number of species, and one skilled in the art would at once envisage each species of the genus:

[I]t has been held that a prior art genus containing only 20 compounds and a limited number of variations in the generic chemical formula inherently anticipated a claimed species within the genus because "one skilled in [the] art would... [at once] envisage each member" of the genus. *In re Petering*, 301 F.2d 676, 681, 133 USPQ 275, 280 (CCPA 1962) (emphasis in original). (MPEP 2144.08II4(a))

However, Kuhns, Maloney and Sher do not appear to explicitly disclose the following:

Re claims 27, 44 and 45: wherein a through hole for receiving a pin is located in the first adhesive holding region so that the through hole is usable by the pin for peeling off the circuit board.

Re claim 51: The substrate holder of claim 45, wherein the adhesive holding layer is formed on the main body so that the adhesive holding layer

remains on the main body upon separation of a circuit board from the holding surface.

Notwithstanding, in the English translation and abstract, and the drawings, Nishikawa discloses a wherein a through hole 4 for receiving a pin 5 is located in the first adhesive holding region 3, so that the through hole is usable by the pin for peeling off the circuit board 2; wherein the adhesive holding layer 3 is formed on the main body 1 so that the adhesive holding layer remains on the main body upon separation of a circuit board 2 from the holding surface.

Moreover, it would have been obvious to combine this disclosure of Nishikawa with the disclosure of Kuhns because it would facilitate the release of the release liner from the circuit board of Kuhns.

Applicant's remarks filed on 04-12-10 have been fully considered, treated or rendered moot by the restatement of the Office action *supra*, addressed *infra* and/or adequately addressed previously of record.

Applicant states:

At the top of page 7 of the Office Action, the Examiner objected to the meaning of the language "mirror face" and the values "IS" and "1.6S". The Examiner's attention is directed to the previous response.

However, it is maintained as elucidated in the previous Office action: "These assertions are respectfully deemed unpersuasive because the meaning of the alleged indicators of surface coarseness is unclear."

To further clarify, applicant's previous response: "These terms are understood by one of ordinary skill in the art as being indicators of surface coarseness," is respectfully deemed unpersuasive because it is merely conclusory and not probative.

Also, applicant argues:

The Examiner further objects to claim 44 as being a substantial duplicate of claim 27. However, claim 44 claims a pallet, while claim 27 claims a substrate holder. It is quite possible that a pallet may be considered to a more limiting statement than "a substrate holder." As such, Applicants are entitled to draft their claim in this manner.

This argument is respectfully deemed unpersuasive because it is not necessarily maintained in the objection that it is not possible that a pallet may be considered to be a more limiting statement than a "substrate holder."

The art made of record and not applied to the rejection is considered pertinent to applicant's disclosure. It is cited primarily to show inventions relevant to the examination of the instant invention.

For information on the status of this application applicant should check PAIR:

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alternatively, applicant may contact the File Information Unit at (703) 308-2733. Telephone status inquiries should not be directed to the examiner. See MPEP 1730VIC, MPEP 203.08 and MPEP 102.

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Any other telephone inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Graybill at (571) 272-1930. Regular office hours:

Monday through Friday, 8:30 a.m. to 6:00 p.m.

The fax phone number for group 2800 is (571) 273-8300.

/David E Graybill/

Primary Examiner, Art Unit 2894